

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
OFFICE OF THE EXECUTIVE SECRETARY  
WASHINGTON, DC**

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**UNITED STATES POSTAL SERVICE,  
Respondent**

**and**

**CASE: 12-CA-207188**

**Ann Dolan, an individual,  
Charging Party**

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**CHARGING PARTY'S EXCEPTIONS  
TO THE ADMINISTRATIVE LAW JUDGES'S DECISION**

**CHARGING PARTY:**

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## STATEMENT OF CASE/CREDIBILITY

1 Ms. Dolan, responds to the Administrative Law Judge (ALJ) decision, and is self-  
2 representing herself, as the ALJ has dismissed Ms. Dolan's factual evidence that  
3 the managers at Ybor City, which includes the two time convicted felon with a rap  
4 sheet in Pinellas County of over 20 charges in a 20 year period. Jeremy Wray has  
5 created a new rap sheet in Hillsborough County from a warrant and an arrest in  
6 January 2018; therefore, he has a third felony pending, which was omitted in the  
7 Hearing. This omission is a violation of the Policy and Protocols (**EL 312: 514.36-**  
8 **514.38 (b)** Assessing Criminal Conviction History, Pending charges. It is also a  
9 violation of the USPS Oath of Office. Jeremy Ryan Wray has a history of lying to  
10 the courts with his proven convictions and his currently declaring himself to be  
11 indigent, so the public defenders represent him and his court costs are dismissed.  
12 Jeremy Ryan Wray has been allowed to use the VA court for his third felony, as a  
13 courtesy of the State Attorney office, as the VA court is usually for the first felony  
14 conviction, per the Florida Statutes. The other 204B's, Robin Flick and Gigi  
15 Johnson violated the rules of the court and the USPS rules of following their Oath  
16 of their office, as they failed to show up for their subpoena on May 21, 2018, and  
17 wasted the time and expense of the court hearing in violation of the 21 day rule to

18 make changes in the Hearing date. Jeremy Ryan Wray was also given another pass  
19 for not showing to the original Hearing date of May 21, 2018. These law violating  
20 USPS managers lack of credibility was not mentioned in the ALJ decision, as the  
21 only reference was to 5/21/2017. This wasted day was a planned event by the  
22 USPS and the NLRB and a waste of tax paying money. The Hearing was then set  
23 for the following week. It easily could have been done in one day for four  
24 witnesses. However, the USPS and the NLRB decided to have the managers have  
25 alternated times and days. The managers were able to speak to each other over the  
26 two day period and they were seen speaking with each other. Ms. Dolan did not go  
27 last to discuss the discrepancies with the managers testimony and the cross  
28 examination had only one or two questions.

29 Ms. Dolan requested the witnesses Dan Fischer, Spanos, Manager Curtis, Angela  
30 Lewis, Draven Leto; Reggie, the Union representative; however, none were not  
31 called to be witnesses, which was due to the NLRB and not Ms. Dolan.

32 Ms. Dolan requested the camera footage be submitted into evidence for September  
33 7, 2017. The camera footage requested, which would show that Ms. Dolan went  
34 over to the SPBS and the mail was all over the floor, as it was running with no one  
35 at the machine at 0315 a.m., on September 7, 2017, due to poor management.

36 Cameras would have also shown Ms. Dolan completing her relief position, when  
37 the career person returned to the SPBS.

38 Cameras would also show Ms. Dolan taking a 15 minute break.

39 Cameras would also show Ms.Dolan returning to her normal place of work, on the  
40 belt, where Angela Lewis was. This is normal procedure when a relief position is  
41 completed and Ms. Dolan had no reason to return to the machine, since she was  
42 told, “relief only” by Dravon Leto, the 204b manager trainee. Regina (Gigi)  
43 Johnson never told Ms. Dolan to return to the machine after break. Ms.Dolan  
44 would have returned to the machine if she knew that was required of her. Angela  
45 Lewis and Gigi Johnson use communication devices to speak to each other. Gigi  
46 Johnson could have asked if anyone has seen Ms.Dolan if she was to return to the  
47 machine. Ms. Dolan was working with Angela Lewis from 0400-0500 a.m., on  
48 September 7, 2017.

49 Gigi Johnson only told Ms. Dolan that she can go on break at 0330 p.m. Ms. Dolan  
50 did not leave the machine, until 0340 a.m., when the career person came back from  
51 speaking with the Union.

52 Ms. Dolan did not refuse to do any work and did all that she was told to do.

53 Dravon Leto stated, “Relief only, when Ms. Dolan confronted him in the  
54 manager’s office between 0510-0530 a.m., on 09/07/2017, the day of termination.

55 It is not a legitimate business reason to terminate an employee for a minor  
56 infraction that Gigi Johnson could have easily fixed by calling around to send Ms.

Dolan back to the SPBS machine. This would have been a proper management communication technique.

**The ALJ erred when he ruled that Respondent did not deny Ann Dolan's request for a union representative during an interview she reasonably believed would result in discipline**

Ms. Dolan asked for a union representative, per her legal rights and was denied representation around 0500 around 09/07/2017, when Gigi accused Ms. Dolan for not returning to the machine. This was before the termination and when Ms. Dolan was instructed to go into the manager's office at 0500 am, on 09/07/2017.

The ALJ incorrectly stated that no union representative was available, as Ms. Dolan saw the union representative on the dock a few minutes earlier and can be proven by the time card. (Dec. p9, line13-15) Ms. Dolan was told by Gigi Johnson that was not what she was going to speak to Jeremy for. Robin Flick insisted that I was having an evaluation and has never seen a union representative at an evaluation, on 09/07/2017 at 0500, before the termination. (Tr. )

This untrue statement by management and goes against the USPS Policy and **Procedures Manual: Understanding the USPS:** Employees are our greatest resource and you are a critical resource to our team. Every employee, regardless of position or tenure, is an important link in the organization.

77 It is not a legitimate business reason to terminate an employee who has legitimate  
78 union violations of breaks, as proven by Dan Fisher on Labor Day, when he  
79 corrected Gigi Johnson and Robin Flick twice in the same evening.

80 It is not a legitimate business reason for management to deny Ms.Dolan a Union  
81 representative, when requested, as Ms. Dolan inquired about being disciplined after  
82 Gigi Johnson accused Ms.Dolan of not staying at the machine and telling  
83 Ms.Dolan that was not what I was seeing Jeremy Wray for.

84 The ALJ erred when he stated in the same paragraph, (Dec. p.9, lines 2-3) that  
85 people walked in and out of Wray's cubicle area. Curtis, Angela Lewis, Dravon  
86 Leto walked into the manager's office. Jeremy Ryan Wray was at his desk, as was  
87 Michael Spanos. The room was very small and the desks are crammed next to one  
88 another. Jeremy Ryan Wray stated in the Hearing, (TR ) that the manager's room  
89 was the size of the Hearing Room; however, it was more like 10 by 10.

90 Another error by the ALJ's report is that Robin Flick was only supervisor present  
91 and walked Ms. Dolan through the locker room and outside, as you cannot leave  
92 the building without a badge. This was untrue that Gigi Johnson was present, as  
93 well as Ms. Dolan resisting returning the badge. This can be proven by cameras  
94 and clicks from the badges. (Dec. p9. Line16-17)

98 **ALJ Erred when he ruled that Respondent did not treat employee**  
99 **Ann Dolan with disparate treatments**  
100  
101

102 Flick’s evaluation with no explanations provided for all unsatisfactory ratings and  
103 (Dec. p.9, lines 1-2) Flick did not follow the Policy and Principles of **375 and EL-**  
104 **312, for unsatisfactory performance.** A legitimate Postal Policy is not punitive,  
105 but corrective and is a progressive discipline that applies to all employees  
106 including PSE Mail Processing Clerks, per the Policy and Procedures manual.  
107 Flick incorrectly switched the reason to terminate in an email after Ms. Dolan was  
108 terminated without Ms. Dolan having the union representation that she requested at  
109 0500, 09/07/17. (Dec. p. 9, lines 7-11) and referring to ELM regulations 665.13-  
110 665.15 is not USPS protocol.

111  
112 **Article 16 is the Discipline Procedure for PSE Mail Processors.** PSE’s can be  
113 removed for just cause, (Dec. p.3, line 12), which is a six step process of  
114 investigation; however, Ms. Dolan does not get the union support of a grievance  
115 arbitration procedure. Ms. Dolan is not treated equally with union support rights,  
116 however, she does have the Postal Policy and the U.S. Constitution, as she is not  
117 treated equally with union support only, because she is the probationary period.  
118 The judge erred when he stated that the progressive discipline process does not  
119 apply to Ms. Dolan and the Postal Service is “at will” disciplinary procedure. This



120 is not what the Policy and Procedures manuals state. The appropriate element of  
121 just case is that discipline be corrective in nature, rather than punitive. Per **Article**  
122 **15, p.255-527 and Article 16, page 7**, removal is not the only mechanism  
123 available to correct deficient behavior when warranted. Ms. Dolan did not have  
124 any of the Prohibited Conduct as stated in Following Rules and Regulations:  
125 Discrimination, Violent or Threatening Behavior, Illegal Drug Sale, Use or  
126 Possession, Intoxicating Beverages or Gambling.

127 Ms. Dolan was wrongly treated as any of the minor infractions that management  
128 claims does not warrant termination per the **ELM 3**. It is not the goal of the USPS  
129 to treat people unfairly and just terminate as Ms. Dolan did not have a fair  
130 opportunity per the legitimate reasons of the USPS of termination.

131 Per the USPS: **Understanding the USPS Commitment to you: Fair Treatment –**  
132 **Dignity and Respect**; It is the policy of the Postal Service to provide equal  
133 opportunities to employment and training to all employees regardless of race,  
134 color, religion, sex, national origin, age, physical or mental disability or  
135 participation in activities protected by the Equal Employment Opportunity  
136 regulations and laws. The Postal Service is committed to ensuring a workplace that  
137 is free of discrimination to fostering a workplace that is free of discrimination and  
138 to fostering a climate in which all employees may participate, contribute and grow

139 to their fullest potential. As a valued and diverse workforce, the Postal Service is  
140 committed to fair treatment of employees at all times.

141 **Training and Development:** The USPS states; Postal Service policy is to provide  
142 employees with training and developmental opportunities consistent with  
143 operational requirements. Employees are provided both formal and informal  
144 learning experiences that contribute to individual growth and improved  
145 performance in current and future jobs. You will be assisted through both  
146 classroom and on the job training to gain and maintain the skills needed to carry  
147 out your duties efficiently and safely.

148 **The USPS: Maximizing Your Contribution to the Postal Service:**

149 Treating Others with Dignity and Respect (7): Just as the Postal Service is  
150 committed to treating you with dignity and respect, you must be committed to  
151 treating everyone with dignity and respect. The way we treat each other determines  
152 how successful we are as a team.

153 The USPS Ybor City management is a hypocritical and their policy and procedures  
154 are a sham. They do not terminate people for legitimate reason per Policy and  
155 Procedures of the USPS.

156 Jeremy Ryan Wray would be a perfect legitimate reason for the USPS to terminate,  
157 as he is a disgrace to the sanctity of the USPS and mail with his multiple felonies.

158 His behavior does not meet the **Standards of Conduct and 371**, for a USPS

159 employee and does not reflect well on the USPS. Selective reinforcement is  
160 apparent, with the two time convicted felon with a pending felony if he fails VA  
161 court. The 204B's are not much better. Per the OIG studies on grievances, 204 B's  
162 will do whatever they have to do to save their career. Ms. Dolan's alleged minor  
163 infractions that Jeremy Ryan Wray claims is not good legitimate business practice  
164 of the USPS. The USPS Managers make mistakes daily; such as Dravon Leto not  
165 communicating to Ms. Dolan, to stay at the machine. This could have taken a  
166 minute to tell Ms. Dolan to return to the machine, if this was truly the matter.  
167 However, in **Lewis Grocer Co., 282 NLRB 166 (1986)**, unlawful motive based on  
168 timing, can be proven by direct evidence or circumstantial evidence of general  
169 animus. In the (Dec.p.12 lines 6-10), the **ALJ contradicts himself by stating that**  
170 **it is undisputed that Dolan engaged in union activity and the Postal Service**  
171 **was aware of this activity.**  
172 The timing of Ms. Dolan's accusations of performance issues, time card issues,  
173 accusing her long breaks with no material facts proven started when Ms. Dolan's  
174 evaluation was due and the managerial response to her grievance. In a few lines  
175 down (Dec. p.12. lines 16-20) the managers did not know about the grievance.  
176 However, Ms. Dolan filed the grievance, on August 25, 2017, when Flick and  
177 Johnson would not let Ms. Dolan sign in on the schedule on the posted bulletin  
178 board that every USPS uses for scheduling. Instead, the typed up schedule was

179 provided to Ms. Dolan that Jeremy Ryan Wray created. Flick or Johnson did not  
180 give Ms. Dolan the required form when there is no Union representative available,  
181 which was also reported to the Union, as this is also a consistent problem and is not  
182 proper protocol for the USPS managers to fail to give Ms. Dolan the union request  
183 form. It took over four hours to see a Union representative and she was not  
184 relieved of her duties.

185 Ms. Dolan did discuss from day one, that she wanted to file the grievance, per the  
186 Union representative around August 16, 2017. Ms. Dolan had no problem sharing  
187 why she sought union assistance and has been that way since day one, which was  
188 affirmed in Jeremy Ryan Wray's statement, "You have been trouble since day one.  
189 You contact the union on a daily basis. There is no Dan F."

190

191 Ms. Dolan had Union assistance, since early August to help her start working at  
192 Ybor City. Ms. Dolan is a citizen of the USA, covered under the U.S.  
193 Constitution. Ms. Dolan does not have to do activities that violate the CBA. Ms.  
194 Dolan is not a Mail Handler, who according to the **EL-201** and the job descriptions  
195 when applications are filled out they have different functional requirements. Ms.  
196 Dolan did not have the medical form from Human Resources signed by her  
197 medical doctor for her disability to be approved for the functional requirements of

198 a Mail Handler. Ms. Dolan has a disability and an impairment in her body that is  
199 protected under the **Rehabilitation Act of 1973**.

200 Therefore, the example that the judge used in his claim that Ms. Dolan did not  
201 experience disparate treatment is not applicable. The judge erred in comparing  
202 Ms. Dolan's evaluation to Mail Handlers in a different craft and with casual and  
203 transitional employees. (Dis. p.12, 43-45 and p. 13 lines 11-18). The judge  
204 contracts himself by stating the USPS followed legitimate business practices and  
205 Postal Services Procedures (Dis. p.14. Lines 36-38), however, 21 days is not postal  
206 policy for an evaluation as it is not a fair amount of time for a review. (Dis. p. 12,  
207 lines 38) There were no verbal or written warnings, per the just cause principle  
208 and the progressive discipline procedures of the USPS, **Article 16**. The ALJ erred  
209 that the USPS uses terminable at will, because of her probationary status. Per the  
210 **ELMc 1. 373.Performance** Evaluation System, Legitimate Policy and Procedures.

211 Ms. Dolan did not take any long breaks. She did what she was told by a supervisor  
212 trainee, Leto, on September 7, 2017 . Leto admitted that he told Ms. Dolan relief  
213 only in the manager's office and then changed his story, as he is a powerless 204 B  
214 and needs to comply to move his career along, as demonstrated in the OIG report  
215 on grievances.

216 If the other witness in the manager's room where called, they might have heard  
217 Ms.Dolan ask Leto, if he told Ms. Dolan to stay at the machine, on September 7,

218 2017, and Leto responded, “Relief Only”. Ms. Dolan then said, “I did my Relief”  
219 and then told him to say it louder, but he cowered by the door. Gigi Johnson did  
220 not tell Ms. Dolan to stay at the machine after break, when she approached Ms.  
221 Dolan at the SPBS, as she only discussed going to break around 03:30 a.m., on  
222 September 7, 2017. Ms. Dolan did not leave the SBPS machine, until the career  
223 person returned, which was around 03:40 a.m. Gigi Johnson would have seen Ms.  
224 Dolan at the SPBS, if she truly went back to the machine ten minutes later two  
225 times. (Dis. p. 8, lines 10-15) Cameras can prove that Ms. Dolan was at the  
226 machine and attempted to clean the mail up off the floor, since it was running  
227 without a person, before Ms. Dolan arrived at the machine around 0315 a.m.  
228 Ms. Dolan did not have to return to the SPBS machine, because the Relief position  
229 is temporary and she completed her duty as the career person returned. If someone  
230 communicated to Ms. Dolan to return to the machine then Ms. Dolan would have  
231 done that.

232 As discussed in **Lewis Grocer Co., 282 NLRB 166f (1986)**, unlawful motive  
233 proven by direct evidence based on of suspicious timing of discipline applies from  
234 Labor Day weekend (four days prior to termination ), Dan Fischer confronted Flick  
235 and Johnson for the incorrect breaks twice in a few hour time period.  
236 Ms. Dolan’s grievance, was due (August 31, 2017) and evaluation was due,  
237 (September 3, 2017). Ms. Dolan, time card changed without notifying Ms. Dolan

238 (September 6, 2017) Ms. Dolan accused of not returning to the SPBS (September  
239 7, 2017. Ms. Dolan was denied getting access to union representative when  
240 Johnson accused Ms. Dolan of long breaks, failure to follow orders (September 7,  
241 2017), around 5:00 a.m. Ms. Dolan feared being disciplined, at 05:00, on  
242 09/07/2017 and mentioned the **Weingarten rights, NLRB v Weingarten, Inc.**  
243 **420 U.S. 252 (1975)**. Ms. Dolan incorporated her union rights when she was  
244 Johnson and Flick ambushed Ms. Dolan on the way to the manager's office to  
245 speak to Wray. Ms. Dolan was denied, as Flick stated Ms. Dolan is having an  
246 evaluation and a Union representative is not normally present. Johnson said that is  
247 not what I am speaking to Wray for, when Ms. Dolan asked for the Union  
248 representative and stated that at any time I had reason to believe that I was going to  
249 be disciplined to request a union representative. Ms. Dolan saw the Union  
250 representative on the dock, so she knew she was working. Flick and Johnson erred  
251 by not providing Ms. Dolan a Union representative, when Ms. Dolan requested one  
252 around 0500 a.m. on September 7, 2017. Ms. Dolan was later charged with  
253 violating ELM 665.13 and 665.15 after the evaluation was completed with Flick  
254 and Ms. Dolan was terminated. The union representative would have witnessed  
255 Jeremy Ryan Wray's rant, that Ms. Dolan "has been trouble since day one, You  
256 contact the Union on a daily basis and there is no Dan F." Denying union

representative to Ms. Dolan is not fair and equal treatment for all does not apply for the US. Constitution.

On 09/07/2017, Flick and Johnson both agreed that Ms. Dolan was not going to speak to Jeremy about the accusation of not staying at the SPBS; however, it became the issue. **NLRB v Weingarten, Inc. 420 U.S. 252, 257-258 (1975)** The ALJ erred in not recognizing that Ms. Dolan had a very reasonable belief that was based on “objective standards” and upon reasonable a reasonable evaluation of “all the circumstances,” rather than upon the subjective reaction of the employee.

**Id. At 257, n.5.** Once an employee makes a valid request for representation an employer has three options: (1 ) Grant it, (2) discontinue the interview; or (3 ) offering the employee the choice of continuing the interview unaccompanied by a union representative or having no interview at all. **United States Postal Service, 241 NLRB 141, 142 (1979)**

Ms. Dolan believed that the inquiry about the SPBS could result in discipline and had no reason not to, since Johnson was accusatory. Angela Lewis could have called Ms. Dolan back to the machine, if any mistake was made, but Ms. Dolan was not sent back to the machine.

The ALJ decision (p. 8, lines 27-29) did not address that Ms. Dolan responded. Ms. Dolan was not told to go back to the machine and then Dolan requested a union



277 representative. Flick said Dolan did not need a union representative for an  
278 evaluation. Ms. Dolan had reason to believe something was going on, after the  
279 accusation earlier in the evening with Lewis accusing Ms. Dolan of not punching  
280 in the night before.

281 Johnson told Dolan that is not what you are going to talk to Wray about (Tr. )  
282 Ms. Dolan did not know what to do so she eventually went in the office and did not  
283 revoke any Union rights. **The ALJ in his decision (p. 9, lines 13-15) stated**  
284 **incorrectly, Ms. Dolan asked for a steward after the termination. Ms. Dolan asked,**  
285 before going into the manager's office, when she was on the floor and Johnson  
286 drove up on her bicycle. Flick and Curtis was also present, on the floor on the way  
287 walking toward Wray's office.

288 After the termination, Flick said there was no union steward available and gave  
289 Ms. Dolan the number of Bonnie to obtain the union steward, as Flick and Dolan  
290 were walking to the locker room, Johnson was not around.

291 **The other discrepancy was the ALJ was a partial sentence in the (decision,**  
292 **p.9, footnote 23), Wray did** tell Dolan that she had been trouble since day one,  
293 however, the ALJ stated, the word "penchant" for contacting her steward.

294 Ms.Dolan and Jeremy Ryan Wray never said that word, penchant. Ms. Dolan  
295 stated Wray said, you contact the steward on a daily basis and there is no Dan F.

296 There was no room for discussion. **The judge erred when he believed Wray and**

297 denied Ms. Dolan's credibility. There was no communication with Johnson, as she  
298 was on the phone; however, she was in the room. The review of the evaluation  
299 took about five minutes with Flick; however, Ms. Dolan conversed with the people  
300 who walked in the room and then started a conversation with Wray. Ms. Dolan  
301 walked over to the manager's office around 0500 a.m., and punched out around  
302 05:30 p.m, on 09/07/2017.

303  
304 **The ALJ erred in stating Ms. Dolan was unable to provide a coherent timeline**  
305 **in his decision ( page 9, footnote 23 )** or consistently describe which supervisors  
306 attended is totally incorrect. It was Flick, Johnson and Wray who could not tell a  
307 consistent story. Wray even wanted the court reporter to repeat back to him what  
308 he said previously. Wray was given a courtesy of not showing for the original  
309 hearing date and then had the entire day to himself, on the last day. His statement  
310 only took a little over an hour and the 4 witnesses could have all been done in one  
311 day. Ms. Dolan should have had the opportunity to go last to clear up the errors  
312 with Flick, Johnson and Wray. Ms. Dolan had her testimony interrupted by  
313 General Counsel having to use the bathroom.

314 Ms. Dolan was attempting to correct the lies and timeline of Johnson, as she stated  
315 there was only three people in the manager's office and then changed her story  
316 later on. Ms. Dolan clarified that Leto came in and Ms. Dolan confronted him

317 about what he told her to do and he said, “relief only” and Ms. Dolan responded, I  
318 did my relief and Ms. Dolan asked him to say it louder and he cowered in the  
319 corner, as Johnson and Flick ignored Leto. Flick told Dolan that she did not fill out  
320 the unsatisfactory marks, but would not disclose who did, when asked. Flick just  
321 read the boxes on the form to Ms. Dolan. Ms. Dolan objected and even questioned  
322 perfect attendance as being unsatisfactory.

323 Curtis, the manager came in and I told him about the unsatisfactory ratings and he  
324 said he did not work with me enough for a fair evaluation and that he usually gives  
325 people low scores so they improve. Angela came in, but did not speak to Ms.  
326 Dolan and went to her desk and made a phone call. Michael Spanos was sitting  
327 right next to Jeremy Ryan Wray who was standing. He printed out the time sheets  
328 for Ms. Dolan that was requested at 01:00 a.m. prior to going to the Union to report  
329 Angela Lewis was pretending to change my timecard on 09/07/17; however, it was  
330 already changed, on 09/06/2017 without notifying Ms. Dolan of a blank time ring.  
331 The Union representative stated that is a violation, as the burden of proof is on the  
332 **USPS** to show Ms. Dolan any clock ring errors prior to changing them. (Tr ) The  
333 NLRB has this documentation and Ms. Dolan does not understand why it was not  
334 submitted into evidence.

335

336 Ms. Dolan has a right to remind managers about breaks and working in a different  
337 craft is a violation of the CBA with the USPS; otherwise, Ms. Dolan would be  
338 violating the CBA contract. Managers at Ybor City are in violation of the CBA, a  
339 proven by Ms. Dolan contacting **Dan Fisher, four day earlier to correct the**  
340 **breaks** two times in less than four hours. Dan Fisher applied the Postal policy as  
341 he was corrective in nature and not punitive. Dan Fisher did not treat the  
342 managers with disrespect. He educated them and told them what to do. However,  
343 Robin Flick and Gigi Johnson retaliated against Ms. Dolan four days later with  
344 termination. Flick initiated the separation process, but required approval to the  
345 MDO level to move forward. (Dec. p.9, footnote 22).

346  
347 Ms. Dolan's request for a break is not a demand for a break. Ms. Dolan is aware of  
348 the breaks being every two hours with a 15 minute variance. Ms. Dolan is allowed  
349 to speak up if the CBA contract will be violated with crossing crafts, when it is not  
350 an emergency situation. Ms. Dolan is not going to commit illegal acts, because  
351 management violates the CBA contract. This is protected under the free speech  
352 clause of the **First Amendment. According to ELM 2. 233.3** Criteria for  
353 Evaluating Mixed Assignment is for full time employees and has to be assigned to  
354 avoid grievance issues. This is not what Robin Flick or Gigi Johnson do with the  
355 PSE Mail Processing Clerks. Ms. Dolan did not say that she does not feel like

356 doing something. (Tr. 37) There is no material proof to this untrue claim. The job  
357 posting number for **PSE Mail Processing Clerk: 10221754**, says nothing about  
358 working as a Mail Handler or a Relief position, which is classified as bid position.

359  
360 Ms. Dolan stated she did not get her break yet to Steven and Leto around 0315 am,  
361 who both instructed to do relief and stay at the machine, which Flick falsely claims  
362 (Tr.164) as she was not there and was never outside her work area or written up  
363 previously (Tr.50-51). There is no material proof submitted to the court for any of  
364 these statements of Flick.

365 If Ms. Dolan received her breaks correctly in the past on the SPBS, Ms. Dolan  
366 would not have to say anything to remind management, but the history of  
367 disrespect and violations were proven with Dan Fisher correcting Gigi Johnson and  
368 Robin Flick, on Labor Day weekend. Following the CBA with working conditions  
369 equal for all employees with breaks is part of the contract. **The repeat break**  
370 problems on the SPBS was a constant issue for the Union, as both Union reps  
371 discussed the issue with Ms. Dolan, as did other career employees.

372  
373 Ms. Dolan is not treated equally as other PSE Mail Processors get only one  
374 assignment or no assignments, as Ms. Dolan has heard other PSE's say. "I'll just  
375 wing it", when management does not give them an assignment. Ms. Dolan was a

376 high performer otherwise, she would not be on the rehire list. Ms. Dolan worked  
377 with JB, at Christmas 2016. Ms. Dolan was trained on machines in Tampa. Ms.  
378 Dolan signed off on training, per Postal Protocol of working on machines and Ms.  
379 Dolan worked **from 1998 to 2004 and - without incident.** Ms. Dolan was never  
380 told to stay on the machine the entire night. (T37-38)

381

382 **ALJ Erred when he ruled that Respondent did not have**  
383 **evidence that the Postal Service did not have knowledge of**  
384 **employee Ann Dolan's Union Activities**

385

386 Ms. Dolan was not treated equally to the other PSE Mail Processors at Ybor, since  
387 her arrival at Ybor City, when she informed management that she will be filing a  
388 grievance, per the union for the delayed start, which was Ms. Dolan's right as a  
389 Bargaining employee.

390 Ms. Dolan provided plenty of evidence to the NLRB showing that the Union  
391 attempted to resolve issues with Ybor City with the unfair and unequal working  
392 conditions for all employees in the PSE Mail Processing craft.

393

394 Per **EL- 201, the Mail Handlers** do entirely different duties; such as unloading  
395 mail from trucks, Separates all mail received from trucks and conveyors for  
396 dispatch to other conveying units and separates and delivers mail for delivery to

397 distribution areas. Ms. Dolan was not hired to be a Mail Handler and cross  
398 jurisdictions.

399  
400 It is not the protocol for the USPS, to apply selective reinforcement of which  
401 employees have to follow **Standards of Conduct**. Johnson and Flick did not  
402 provide Ms. Dolan with a union steward when she requested one and then Flick  
403 writes a separate report after Ms. Dolan was terminated and is then is accepted into  
404 the court as an exhibit. (Dec. p. 9, footnote 24, GC Exh. 15) This is a violation of  
405 Ms. Dolan's due process and **just cause rights as a PSE, Article 16**.

406  
407 Dolan was told by Robin Flick that she was to have an evaluation and did not need  
408 a union steward when Ms. Dolan requested one. (Dec. p.9, line 29)

409  
410 Ms. Dolan has every right to free speech per the US Constitution, as everyone is  
411 equal under the law and no one is above the law. Ybor City does not follow the  
412 breaks schedule as repeat problems out of the 15 minute variance is normal as a  
413 Relief position, which is a temporary position, phony posted schedules and then  
414 giving out one a schedule typed on paper, working Mail Processors out of their  
415 craft are some examples, as well as changing time rings and **threatening Ms.**

416 **Dolan** that Angela Lewis will put End Tour, if Ms.Dolan forgets to punch in from  
417 lunch. This is illegal activity, as employees, per the law are paid for hours work.

418

419 Ms. Dolan has every right to complain about contract violations by management  
420 with job tasks and that violate the CBA contract.

421 Angela Lewis did not show Ms.Dolan a blank clock ring, when she accused Ms.  
422 Dolan. The NLRB and Ms. Dolan have the time cards and it shows that Angela  
423 Lewis did not change the time card on September 7, 2017, but it was changed on  
424 September 6, 2017 and Ms. Dolan was on time everyday.

425 Ms. Dolan reported Angela Lewis to the Union and requested the time card rings  
426 from Michael Spanos. This is **not conceding and the ALJ erred in this.**

427 The ALJ only stated half of a statement, as Ms.Dolan also stated, I thought I did  
428 clock in. Can you check the cameras? Angela said no. The time and attendance  
429 records prove Angela Lewis did not correct Ms. Dolan's time card, on 09/07/2017.

430 Ms. Dolan went to the Union, as she did **not concede to not punching in from**  
431 **lunch, as the ALJ erred in this Decision.** Ms. Dolan asked to view the cameras  
432 and wanted proof that the clock ring was actually blank. There was no verbal or  
433 written proof submitted into evidence as material facts that Ms. Dolan did not  
434 perform her job duties adequately. The timing of all the supervisors' allegations



435 coincided with the grievance being submitted and a response needed from  
436 management to the employee and the union. (Dec.p 14, line 1-4.)

437  
438 Ms. Dolan completed her relief duty as the career person returned and then went  
439 on a 15 minute break. She had no reason to return to the machine since she was  
440 only told relief, which is a temporary position, until the career person returns. Ms.  
441 Dolan returned to her normal duties, at the belt, after the Relief position. **A Relief**  
442 **is a temporary position** that is why it is called relief. It is done, in between  
443 regular duties, per the classification USPS book.

444  
445 The **relief/pool position is a career position** and it is not a PSE Mail Processing  
446 Clerk position and Ms. Dolan per the Policy and Procedures, Ms. Dolan was not  
447 trained to work on the SPBS, as she did not have a **“live” record** for being trained.

448  
449 **The ALJ erred when he stated Ms. Dolan was free to wander (Dec.**  
450 **p8.footnote 19)** or on a long break, There was no material evidence per the Postal  
451 policies are notes were not produced for General Counsel. No proof means it is not  
452 true. Ms. Dolan never took long break. Ms. Dolan completed her task of Relief, as  
453 the career person returned and then Ms. Dolan went on break. Ms. Dolan did what  
454 she was directed. That is a definition of a temporary assignment

455

456     **Management does not tell a person to go back to their normal assignment**  
457     **after Relief, as you just do it.** (Tr. 147) Ms. Dolan returned to where she normally  
458     worked and Lewis could have told Ms. Dolan to return to the SPBS, if that was  
459     truly the case.

460

461     If Gigi Johnson returned to the SPBS machine, as she stated in 10 minutes then she  
462     would have seen Ms. Dolan at the machine working, as Ms. Dolan was at the  
463     machine until 0340 a.m.

464     The NLRB counsel said he was calling in witnesses but did not. Ms. Dolan was  
465     unfairly represented, as a camera review, as discussed in the Hearing (Tr ) would  
466     verify all of Ms. Dolan's actions and the lies of Johnson and Flick with respect to  
467     accusations of the mail being backed up as Ms. Dolan's fault.

468     The USPS has **EL -814, Postal Employees's Guide to Safety, Section 6,**  
469     **Machinery and Electrical Equipment, ( a )** Use postal service machinery and  
470     equipment **only if** you are trained and authorized to do so, ( C ) **Emergency Stop**  
471     Buttons: you **must be** trained before you are assigned to a machine area. .

472

473     **The ALJ erred that the supervisors had no knowledge of Ms. Dolan's union**  
474     **activities, as proven by his conflicting statement (Dec. p12. Line 9-10).**

475

476 **The ALJ erred when he concluded that the USPS had legitimate business**  
477 **reasons** for terminating Ms.Dolan; (Dec. p14.lines 36-39).

478 The USPS does not follow the training procedures and manuals for the SPBS.

479 Ms.Dolan did **not** have a live record to be on the SPBS and was not trained and  
480 signed off on. Ms. Dolan did not work on the SPBS machine in over **ten years**.

481 The training books all require the emergency stops to be used, when changing out  
482 the full bags to avoid getting injured. **The Elmc 7, Training and Development**  
483 **focuses on the Policies, Goals, Objectives and** Categories. Johnson and the Ybor  
484 City is in violation of the USPS training for the SPBS, as they did not provide any  
485 training to Ms. Dolan. **The ALJ erred when he stated in his (Dec. p.7 , footnote**  
486 **12) that Ms. Dolan was rambling of her unsubstantiated obfuscation with**  
487 respect to the certification and the safety of working on the SPBS, which has its  
488 own course. **PO-43-Small Parcel and Bundle Sorter manual: 110....** Offers  
489 specific instruction for processing personnel who are **trained to** operate the SPBS  
490 system.

491

492 **ALJ Erred when he ruled that employee Ann Dolan would have been**  
493 **Discharged in the absence of her union activities**

494

495

496 Managements alleged minor infractions of Ms. Dolan were only were created after  
497 Ms.Dolan filed her official grievance. Per **the EL 921 Supervisor Guide Handling**  
498 **Grievances and Article 15** of the Collective Bargaining agreements, the  
499 management was to respond to Ms. Dolan's grievance **five days after** it was  
500 submitted (**EL 921 page 9**). It states: Once the grievance has been filed, around  
501 August 25, 2017, the immediate supervisor and the employee and/or union meet to  
502 discuss the grievant and possible settlement. The supervisor has up to 5 days to  
503 provide the union with a verbal decision.

504 **This time frame** of Ms. Dolan having work issues, coincides with the 30 day  
505 evaluation, based on the date, August 5, 2017, that Ms. Dolan was supposed to  
506 start at Ybor City, which was around September 3, 2017.

507 **The evaluation did not** have any additional writing or specific incidences that  
508 management claimed and there were **no paper trails** to prove any of the false  
509 accusations by Flick and Johnson. There is no factual evidence in warnings that  
510 Ms. Dolan had any problems with coworkers, performing job duties, attendance,  
511 work methods. It is **normal for mail to go into residue**, as stated in the SBPS  
512 booklet. The SPBS machine is designed to work that way with overflow. It is also  
513 a safety feature when people are removing the full bins, so they do not get injured.

514 **It is normal to rerun the mail** and can be prove by reading the manual, speaking  
515 with the career people and the Mail Handlers who dump the mail. The Emergency

516 Stop feature is a safety feature that intentionally stops the mail; therefore, the mail  
517 is redirected **on purpose, per the manual and programs.**

518 All claims by management are fabricated as no material proof is produced into  
519 evidence, just hearsay from retaliatory managers, who are in violation of the Policy  
520 and Procedures of the USPS, as lying goes against the Oath that they took when  
521 they started their job at the USPS.

522  
523 Ybor City management was **fully aware** of Ms.Dolan contacting the Union and  
524 Vicky Plummer in Human Resources, as Ms.Dolan submitted about fifty emails to  
525 the Union seeking help and discussed fear of retaliation. All emails were forwarded  
526 to the NLRB, but were not put into evidence. **Vicky Plummer, would have sent**  
527 **Ms. Dolan an updated PS 50**, if there was an error in Ms. Dolan's start date.  
528 (Dec. p.6, footnote 9, p.11, footnote 34, p5, footnote 8), but she did not. Ms. Dolan  
529 also sent her an email after the termination.

530 Ms. Dolan had every right to contact the Union to get help with her hours, wages  
531 and working conditions. Performance was never an issue as Ms. Dolan did **not**  
532 **have enough time for a fair evaluation**, as Ms.Dolan discussed her performance  
533 with Curtis, in the manager's room between 0500-0530 a.m., on September 7,  
534 2017, when Ms. Dolan was being terminated.

535

536    **The legitimate business practices of the USPS as stated in the EL 921 is:**

537    By working out problems before they become grievances and by resolving  
538    grievances at the lowest possible step, you can make an important contribution to  
539    the overall improvement of labor-management relations that will favorably impact  
540    all facets of our organization.

541

542    National Labor Relations Board (NLRB), Region 12 has proven to the court that  
543    Ms. Dolan has had a history of protected union activity, which began with a delay  
544    in Ms. Dolan rehire date from April 2017, when Ms. Dolan was number six on the  
545    rehire list and was told that Ybor City was only hiring two people of the twelve  
546    that was expected. However, Ms. Dolan found out that Ybor City, did in fact hire  
547    twelve, but they were brought over from the St. Petersburg, Annex. These PSE  
548    Mail Processors were from the same rehire list that Ms. Dolan on, and the people  
549    being called back where from the Christmas 2016 holiday season. Ms. Dolan was  
550    told that four more people were rehired in June. Ms.Dolan questioned the rehire  
551    process and provided proof to the NLRB that the rehire lists are prone to errors and  
552    not being followed. Ms.Dolan contacted the Union, as hours, wages and working  
553    conditions are the responsibility of the Union to make sure the Collective  
554    Bargaining Agreement (CBA) is followed.

555

556 Ms. Dolan's second delay, came from Ybor management not calling Ms.Dolan in  
557 after she signed the paperwork from Human Resources and was given a start date  
558 of August 5, 2017, but **Ybor management failed to phone Ms. Dolan to report**  
559 **to work.** In fact, Ms.Dolan received correspondence from Tampa that stated that  
560 the position may not be available. Ms. Dolan contacted Keith, Therefore, Ms.  
561 Dolan contacted Human Resources and the Union President to get help as, Ms.  
562 Dolan to provide all the evidence and witnesses to the court to help prove the  
563 Wright-Line Test.

564  
565 There were basic violations of the USPS policy and procedures with managers not  
566 responding within five days to Ms. Dolan's grievance, time sheets changes, no  
567 training on machines. Bonnie and the Union representatives discussing Ms.  
568 Dolan's concerns with management and not being called to Enter on Duty  
569 correctly are the primary witnesses that prove that management had full knowledge  
570 of Ms. Dolan's protected Union Activity. Management was attempting to set a  
571 false record of problems with Ms. Dolan's performance. The emails prove  
572 differently with Vicky in Human Resources and the Union President.

573  
574 The USPS policy and procedures were not followed and Ms. Dolan, her union  
575 rights were blatantly denied by Robin and Gigi, on September 7, 2017, at 0500

576 a.m., by not allowing Ms. Dolan the union representation that she requested, prior  
577 to going into Manager's room. Jeremy Ryan Wray stated to Ms. Dolan in the  
578 management room, stating. **"you have been trouble since day one, you contact**  
579 **the union on a daily basis and there is no Dan F."** is proof that management  
580 **was fully aware of Ms. Dolan's union activities**, as they started with Ybor City  
581 delaying Ms. Dolan's start date, but then used the same date for an evaluation,  
582 which did not follow USPS protocol as **21 days in not Postal Protocol** for an  
583 evaluation , as it is not enough of time for a fair period of time.

584

585 Ms. Dolan was terminated in connection with union activities and was denied her  
586 rights to a union steward where denied on September 7, 2017 around 0500 a.m.,  
587 when Ms. Dolan was ambushed by; Gigi Johnson and Robin Flick and falsely  
588 accused of not following directions and poor performance, long breaks that  
589 became an issue when the grievance was to be reviewed by management, on  
590 August 30, 2017 and Ms. Dolan's evaluation was due, on September 5, 2017,  
591 based on the date that Ms.Dolan wanted to start to work and filed the grievance  
592 about, per the APWU contract with the USPS.

593

594 Ms. Dolan's evidence of the union correspondence was omitted from evidence and  
595 exhibits that proved that Ybor management was fully aware of Ms. Dolan's union



activity. Vicky Plummer would have changed Ms. Dolan's PS50, if there was an error, but she did not, as Ms. Dolan's Enter on Duty date, was the day after she was medically cleared, on August 4, 2017. It was the start of a new pay period, which is standard procedure with the USPS. Ms. Dolan was sent an email that the Ybor City position may not be available by Debbie and that is why the reference is to "taken away" and confirmed by Ybor not calling Ms. Dolan to start, until after the Union President was corresponding with Vicky and Ybor. Ms. Dolan did not receive an updated PS50 with a new Enter on Duty date, from Vicky Plummer; therefore, it was not an error. All emails were forwarded to the NLRB, but were not fairly submitted into evidence. (Dec. p5. footnote 8)

It was also finalized with the conversation, on August 17, 2017, with the union steward at Ybor, who was informed of Ms. Dolan being told to file a grievance and speak with the union upon arrival. Ms. Dolan did that and Bonnie, who conveniently backdated the badge for Ms. Dolan, as management knew they were wrong for the delay, as did the union, per their emails. Bonnie also stated that management thought the other person was going to call me and started laughing.

**The ALJ falsely accused Ms. Dolan of being: free to wander** (Dec. p8. Footnote 19), refusing to work, failed to follow instruction (Dec. p. 7. Footnote 12, 13 taking long breaks all with no factual evidence or material facts, or letters of

616 warning. The NLRB, General Counsel did not have any notes, or records submitted  
617 that showed any progressive discipline on Ms. Dolan, as required by the  
618 legitimize USPS Policy and Procedures for managers and supervisors.

619  
620 Jeremy Ryan Wray the two time convicted felon, who could not keep his lies  
621 straight and asked the court reporter to **repeat back to** him something he said  
622 previously (Tr. ) There was no factual proof to submit or came up in discovery, as  
623 the USPS managers are required to take notes. If Ms. Dolan was told to stay at the  
624 machine, she would have stayed, but the 204B's: Gigi, Draven, Steven never told  
625 Ms. Dolan to stay at the SPBS. Ms.Dolan has a right to speak up with her  
626 legitimate concerns of working out of jurisdiction; however, there was no factual  
627 evidence that Ms.Dolan did not do the work, as Ms. Dolan did everything she was  
628 told to do.

629  
630 The incorrect statements, (Dec. p7, line 23-25, Footnote 14-15) by Flick of a  
631 performance issue, refusing to work prior to September 7, 2017 with no: date,  
632 time or situation, written proof, as notes are required with verbal warnings was  
633 taken as material fact,.

634

635 The NLRB counsel who states Ms. Dolan did not have any verbal or written  
636 warnings of discipline problems, (which is Postal protocol ) after doing discovery  
637 and finding no proof of any verbal or written discipline warnings in his opening  
638 statement, on May 21, 2018 is dismissed. However, all performance issues came  
639 up when management was to respond to Ms. Dolan's grievance and the evaluation  
640 was due; however, this grievance was discarded, when it clearly validates, what  
641 Jeremy Ryan Wray stated to Ms. Dolan, on September 7, 2017, "that you have  
642 been trouble since day one, you contact the union on a daily basis. There is no Dan  
643 F.".

644  
645 The judge erred with his disregard management not knowing about the grievance  
646 (Dec. p11. Line 35, Footnote 14,) specifically, Wray may not have knowledge of  
647 Dolan's activities, it is proven with his animosity toward Ms.Dolan, since day one,  
648 as Dan Fisher told Ms. Dolan to come in at the time she did and this is proven  
649 through an email by Dan Fischer that the NLRB did not submit into evidence .

650  
651 Wray was fully aware of Ms. Dolan's activities and needed to respond to the  
652 grievance that was filed by August 30, 2017. That is the CBA policy for  
653 grievances. Vicky Plummer was not responsible for the delay at Ybor, as Jeremy  
654 Ryan Wray and his management was, as validated when Ms. Dolan started on

655 August 17, 2017. Ms. Dolan was instructed by the union to contact the steward and  
656 discuss the delayed start. This is proven by emails submitted to the NLRB, as the  
657 Union President was involved, because of the liability of juniors being hired before  
658 Ms. Dolan. The posted schedule had two people below Ms. Dolan being sent to  
659 Tampa as affirmation of the emails with Human Resources, the Union President  
660 and Ybor City.

661

662 **The judge erred in stating that PSE Mail Processing Clerks are not governed**  
663 **by progressive discipline and terminable at will and her termination was**  
664 **standard. (Dec. p12, 34-44)**

665

666 There is nothing in the Postal policy that states the USPS is an at will employer, as  
667 Ms. Dolan was due a just cause, investigation and was denied union assistance,  
668 upon request.

669 Under the CBA and postal rules (**EL 921**) each employee has a right to be  
670 represented by a union steward during an investigatory interview. Ms. Dolan  
671 requested a union steward and a steward was not provided, on September 7, 2017,  
672 when Gigi and Robin Flick confronted Ms. Dolan and accused Ms. Dolan of not  
673 returning to the SPBS machine. Curtis the manager also walked by, while the  
674 request was made for a union steward, as Ms. Dolan saw the **steward, on the dock**

675 a few minutes earlier. This was a blatant denial of Ms. Dolan's rights, as Flick kept  
676 on insisting I was having an evaluation and did not need a union steward. (Disc.  
677 p8, 30)

678 There was only unsatisfactory marks on an evaluation with no facts of Ms. Dolan  
679 being late or having problems listed Ms. Dolan requested her Union rights for a  
680 steward, on 09/7/2017, around 0500 a.m. and her legal rights were denied, as she  
681 specifically stated that if she is going to be disciplined then she is to request a  
682 Steward. Gigi at that time stated, that is not what you are going to see Jeremy for.  
683 Robin Flick then stated that she never had any one have a Steward for an  
684 evaluation.

685 Ms. Dolan was denied her Union rights of another witness to Jeremy Ryan Wray  
686 and denied Union representative, as Johnson wrote a letter after Ms. Dolan was  
687 terminated

688 .

689 The witnesses that were in the manager's room, such as Michael Spanos, Curtis,  
690 Angela, Draven Leto were not called to the hearing, nor were the career people on  
691 the SPBS. It is disparate treatment for Exhibits to be considered by Johnson after  
692 Ms. Dolan was **denied Union Representation for the same event.** However, the  
693 judge will take emails created after Ms. Dolan was terminated, by managers as  
694 factual and will dismiss Ms. Dolan's legal right to free speech, when discussing

695 duties that are not in Ms. Dolan's jurisdiction. Ms. Dolan does not have to do  
696 work that is not in her job description, as defined by Article 7, Job Classification  
697 and the job description that is posted by Human Resources when she took the job,  
698 or any illegal activity.

699 Robin Flick and the USPS did not provide any material facts to prove any  
700 discipline in accordance with the Postal Procedures.

701 Performance issues were never discussed by management.

702 The USPS and the CBA does not diminish Ms. Dolan's First Amendment Rights.

703 Fiction is not facts. However, **facts that were given by Ms. Dolan** (Dec. p7.  
704 **Footnote 12 and 13**) become rambling explanation of her job duties amounted to a  
705 medley of unsubstantiated obfuscation and uncorroborated hearsay testimony.

706 Facts and material proof did not come from Flick, Johnson, Wray, Lewis or Leto.

707 Bully management behavior is illegal and it is called harassment. This behavior  
708 goes against the USPS legitimate Policy and Procedures.

709

710 Ms. Dolan's concerns of safety on the SBPS machines and the need to be trained is  
711 stated in the USPS manuals. No factual evidence was provided for Robin Flick's  
712 statement that she had one discussion with Dolan about her job performance, prior  
713 to September 7, 2017 (Dec. p.7, line 23-24)

714

715 **Ms. Dolan's 3<sup>rd</sup> party was considered hearsay. (Dec. p.7, footnote 13, from the**  
716 **and Lewis, Leto, Wray show that management was retaliating against Ms. Dolan**  
717 **as t the timing of the claims of Ms. Dolan's performance were all created after Ms.**  
718 **Dolan's grievance was filed, (8/25/2017) and management had five days to**  
719 **respond. Lewis retaliated after Ms.Dolan reported her phony change to Ms.**  
720 **Dolan's time card.**

721 **The judge erred in not stating the hearing was extended, because Flick,**  
722 **Johnson or Wray did not show for the initial Hearing, on May 21, 2017, in**  
723 **violation of**

724 **Rules of the Hearing, 102.16 (5), of 21 days to change the date of the Hearing.**  
725 **Flick, Johnson and Wray failed to respond to subpoenas in violation of the**  
726 **United States Postal Service oath to follow the Laws of the United States**  
727 **Constitution and the National Labor Relations Board rules for subpoenas,**  
728 **102.31(b), as there was no proof submitted within five days of receipt of service**  
729 **that they were not going to show.**

730 **General Counsel, did not call the witnesses, Michael Spanos that was on the charge**  
731 **or Dan Fischer, Dan Fischer's emails, the Union correspondence with management**  
732 **for their violations of hiring juniors, prior to Ms. Dolan starting on August 17,**  
733 **2018, as management was fully aware of Ms. Dolan filing a grievance for the**  
734 **delayed start.**

735 General Counsel did not submit the evidence of Ms. Dolan's time card being  
736 changed on 9/6/2017, and not on 9/7/2017, like Angela Lewis pretended to be  
737 changing. (Tr )

738 At no time did Ms.Dolan admit to not punching in for lunch, as the judge erred in  
739 stating in his Decision, page 8, reference 16.

740

741 Per the manual for training with time cards and the OIG report managers have  
742 **specific rules to follow when making changes and** require initials from higher  
743 up, because of all the false changes, per the OIG reports.

744

745 The NLRB and the USPS have Ms. Dolan's time cards. Ms.Dolan had no control  
746 over what exhibits the NLRB attached to the legal paperwork and should not be  
747 penalized, because of an omitted exhibit that Ms.Dolan expected to be presented.

748

749 **The judge erred, when he agreed with the supervisors that Ms. Dolan did not**  
750 **clock** in out appropriately. (Dec. p14, line 1) Ms. Dolan did not have problems  
751 punching in correctly, as her timecard would show, if it was presented in an  
752 exhibit. Ms.Dolan had showed for every shift and was on time. However, the  
753 USPS management incorrectly changed Ms. Dolan's timecard the day before  
754 termination for a lunch and when Ms. Dolan reported it to the Union and requested



755 the timesheets from Michael Spanos, on 9/7/2017, around 0100, because Ms.  
756 Dolan remembered punching in (Tr. ) Therefore, Ms. Dolan did not concede to  
757 the fabricated lie of Angela, on 9/7/2017. Ms. Dolan was supposed to show proof  
758 of a blank clock ring, before it is corrected. **It is a not a legitimate business**  
759 **reason**, as the judge stated (Dec. p14, line 39) to terminate Ms. Dolan even if she  
760 did miss a clock ring. As Angela Lewis clearly stated other people do it three  
761 times, (Tr. )

762  
763 A blank time card for the lunch clock mistake, according to the USPS training for  
764 changing time cards is not a reason to terminate an employee; however, changing  
765 time cards illegally is a reason to terminate employees; however, the double  
766 standard applies her, as Angela and the identification number on 09/6/2017,  
767 incorrectly changed Ms. Dolan's timecard without showing her the blank error.  
768 General Counsel had the timecards, but chose to not submit them into evidence, as  
769 they clearly show that that no changes were made to Ms. Dolan's timecard on  
770 9/7/2017 around 00; 30 a.m., as Angela Lewis pretended to be doing on the  
771 computer when she mentioned the wrong date to Ms. Dolan (Tr. ).

772 The USPS failed to follow protocol for correcting time cards.

773 .

774 **The judge erred in stating that Ms. Dolan conceded that she did not clock in**  
775 **after lunch, as she was supposed to. (Decision p.8, footnote 16)**

776 In fact, Ms. Dolan, asked for the cameras to be reviewed and Angela said “no.”,  
777 (Tr. )

778 Ms. Dolan then asked to see Curtis to see a Union Steward and asked Mike Spanos  
779 to print out the timecards to check for changes, which he did, at termination  
780 09/7/2017, around 05:25 a.m..

781 The proof was on the timecards that the NLRB had copies of and Michael Spanos  
782 gave Ms. Dolan, on 09/7/2017, before she left the building, around 05:15 a.m. The  
783 timecards proved that the manager, Angela Lewis was pretending to update Ms.  
784 Dolan’s time record, as it was changed on 9/6/2017, with the manager  
785 identification of: 02407309. This confirms Ms. Dolan’s intuition was correct, on  
786 9/7/2017. (TR. ) (Dec. 8, footnote 18) and did not concede to the timecard error.

787 In fact, **Ms.Dolan had no evidence of being late or having any problems with**  
788 **her attendance, but she was still “unsatisfactory”, on the evaluation with no**  
789 **explanation. (Dec. p.9, footnote 21, GC. Exh. 12)**

790

791 Manager, Angela then threatened Ms. Dolan that if did not punch in again from  
792 lunch, that she will put End Tour, (Tr )This is not in the USPS **manual F21,**  
793 **Time and Attendance;**

794 The manager, Angela Lewis, provided Ms.Dolan with a **PS 1230** form to correct  
795 her timecard for not punching in from lunch, on 09/6/2017. **This is the incorrect**  
796 form per 132.21 and 132.22: In part..... It is not to be used to correct a time card  
797 that has erroneous information preprinted on it, nor is it used to correct a time card  
798 from a prior pay period or week.

799 **144.32 Missing Clock Ring: ....**Other reasons: the supervisor must obtain the  
800 initials of the next higher level of supervision.

801 **F-401 Supervisor's Guide to Scheduling.**

802 **2. A.**Time and attendance in compliance with the Fair Labor Standards Act  
803 (FLSA), postal policy...etc. Employees must be paid for all time they work.  
804 Angela had no right threatening Ms.Dolan that she will put End Tour, if she  
805 forgets to punch in from lunch.

806 **P13, i: Pool Type Assignments:** Working a relief pool assignment that is a full  
807 time bid position that has varied schedules for the purpose of covering  
808 temporary relief assignments. ....

809  
810 Ms. Dolan was not shown the blank time slot, in violation of USPS protocol, in the  
811 management training for timecard changes and the ELM.

812 The burden of proof was on the USPS to show Ms. Dolan the blank time card,  
813 before correcting it Ms.Dolan went to the Union around 01:00, on 09/7/2017 to

814 validate the time card accusation not following protocol and asking Flick for  
815 Michael Spanos to print the timecard accusations.

816 At no time, did Ms.Dolan admit to not punching in from lunch, as Ms. Dolan,  
817 stated, “I am sorry I thought I did. Can you check the cameras? Angela responded,  
818 “No.” **The judge erred in his opinion. (Tr. 103-108) (Dec. p.8, footnote 18)**  
819 Ms. Dolan would not have asked the manager, Curtis to see a Union Steward on  
820 09/7/2017, around 01:00 a.m. and ask Michael Spanos to print out the time cards to  
821 see if any changes were made in violation of not showing Ms. Dolan a blank  
822 timecard error for the missed lunch punch in. (Tr. 103-108). (Dec. p8, footnote 16).

823

824

825 **The ALJ erred when he stated that PSE’s re expected to work wherever they**  
826 **are needed (TR 109-110), see (Dec.p.8, footnote 12)**

827 Ms. Dolan was hired as a PSE, Mail Processor with the CBA with the APWU and  
828 the USPS. Ms. Dolan was **not hired** as a Mail Handler with a different Union and  
829 different job descriptions and different pay grades, per the USPS Job Descriptions.

830 **The Functional Requirements that Vicky, in Human Resources gave to Ms.**  
831 **Dolan to have her medical doctor fill out was for the PSE Mail Processing job**  
832 **and not the Mail Handler Functional Requirements. (Decision, p4, sections 15-**  
833 **20.**

834 Therefore, Ms. Dolan would be working out of craft, which is a violation of the  
835 National Agreement, various MOU's, the APWU, CBA with the USPS.

836 Crossing Crafts is only approved in emergency circumstances and both crafts have  
837 to agree to the exchange. It needs to be writing to avoid grievances being filed.

838 Ms. Dolan would have been irresponsible to do work that her medical doctor did  
839 not approve. (GC Exh, 20)

840 The PSE Mail Processor job and the Mail Handler job are not interchangeable and  
841 is a violation of Contract. . (Tr. 182-184.)(Dec. p.8-182-184).

842 **Article 7, Employee Classification describes the job and there is no reference**  
843 **to interchanging** with Mail Handlers nor any identification of Relief positions.

844 Ms. Dolan told the supervisor trainee, Leto, on 9/6/2017 around midnight that the  
845 Mail Handler job is working out of craft and her medical doctor did not sign off, on  
846 the functional requirements of the Mail Handler position. (GC Exh. 20), (Tr. 109-  
847 110) (Dec. p.8, footnote 17) Ms. Dolan was terminated, later that morning, as there  
848 was no time to file a grievance.

849

850 **The ALJ erred in stating the Ybor facility supervisors were not aware of the**  
851 **allegations: (GC Exh. 20) (Dec. p.6, Footnote 9, line 11, 16, 36)**

852

853 Ybor facility managers had full knowledge of Ms. Dolan filling a grievance, as Ms.  
854 Dolan was in contact with the Union and had to contact the Union President to get  
855 involved with the Ybor facility and Human Resources to figure out why Ms. Dolan  
856 was not being called into Ybor. The grievance was discussed, because there was a  
857 liability for the hiring roster not being followed. Two juniors were moved to  
858 Tampa, upon Ms. Dolan starting at Ybor. (Tr )  
859 Jeremy Ryan Wray's statement, on September 7, 2017, around 00520 a.m." that  
860 you have been trouble since day one, you contact the Union on a daily basis. There  
861 is no Dan F" is proof that management was fully aware, along with all the emails  
862 that Ms.Dolan had no control over not being submitted as evidence, from Case: 12-  
863 CB-215487)  
864 Ybor back dated Ms. Dolan's badge. Bonnie from Ybor called Ms. Dolan on  
865 August 16, 2017 and stated that she did not know that I had a badge in the system.  
866 Bonnie was informed of the discussions with the Union and filing a grievance as  
867 was the Steward, when Ms. Dolan was provided Orientation, on August 17, 2017.  
868 On August 25, 2017, when Ms. Dolan was told to sign in at 2250 and she went to  
869 the car to write a grievance, (Dec. p6, line 35)  
870 Gigi and Robin were fully aware that Ms. Dolan wanted to speak to a Steward for  
871 filing a grievance. Ms. Dolan was not provided a form to fill out to request a  
872 Steward and was not able to see a Steward, until over 4 hours later and had to

873 remind Gigi that Ms. Dolan wanted to see a Steward around 2300, on 8/25/2017.  
874 However, the Steward was not relieved of her duties by management. Ms. Dolan  
875 was speaking to the Steward, on the floor, in violation of the contract. Ms. Dolan  
876 then returned to her work area and asked management to speak to another Steward,  
877 because of the seriousness of the grievance being discussed on floor as being  
878 inappropriate. Ms. Dolan spoke to Reggie, and he retrieved the grievance off of the  
879 floor and waived it to me in my work area. Ms. Dolan later told Gigi, that she had  
880 to speak to another Union representative about the grievance, because she did not  
881 get released from her duties. NLRB did not call in the Witness Leto, or the Union  
882 Representative, Reggie. The NLRB had over 50 emails (Case 12-CB-215487) from  
883 the Union that provided evidence that Ms. Dolan was seeking help and felt fearful  
884 of retaliation for seeking Union activity.

885  
886 The grievance, on Aug 25, 2017. (Dec p6, line 36) was filed. Per the grievance  
887 procedure Ms. Dolan was to receive a response from management in 5 Days and  
888 she did not. Per the CBA with the USPS, a response is required from management  
889 and therefore, management was again made aware of Ms. Dolan's grievance.

890 In fact, Ms. Dolan insisted that witnesses be called such as Spanos, Fischer, the  
891 career people at the machine and get the camera footage, to prove the lies of the

892 USPS management that she was responsible for the mail on the ground and that  
893 she did her Relief position.

894 However, the judge, the USPS counsel and the NLRB decided to waste three days  
895 of Hearing for three witnesses of which did they not show for the subpoenas, on  
896 the first day (Dec. p1, line 1); however, that credibility was dismissed, as was the  
897 double standard for Jeremy Ryan Wray, being a two time convicted felon, (Tr. )  
898 in violation of the **ELM 18** , the USPS Oath, Standards of Conduct, the rules and  
899 regulations for substance abuse and having convicted felons work with sensitive  
900 information. However, Jeremy Ryan Wray did not admit that he has a current  
901 felony pending, in violation of the USPS rules. Jeremy Ryan Wray is in VA court  
902 for the second time, as a courtesy from the State Attorney office in Hillsborough,  
903 as VA court, per the Florida Statutes is for the first felony, of which there was no  
904 rehabilitation. For over 20 years Jeremy Ryan Wray also dazzled the judges in  
905 Pinellas County with over 20 convicted charges and most recently, the judges with  
906 a positive drug test in the morning of his court date in March 2018, from his arrest  
907 warrant in January 2018.The USPS. Jeremy Ryan Wray also got a courtesy from  
908 the State Attorney office for violating the use of the indigency program, as the  
909 taxpayers have been paying for his public defender and court fees.

910



911    **The ALJ erred when he stated in his Decision, lines that Ms. Dolan lost**  
912    **credibility, when she said she was going to speak to her doctor about**  
913    **reasonable accommodations, in Decision lines.....**

914    Ms. Dolan had every right to discuss with her medical doctor the job duties and  
915    what would help Ms. Dolan be successful at the job with her disability. A judge is  
916    supposed to be **neutral** in assessing the unfair discharge due to Ms. Dolan's  
917    concerted activities with her protected Union activity, as per the NLRB. However,  
918    Ms. Dolan is also protected with respect to her disability, as a medical request form  
919    cannot be made, unless a job offer is made. Ms. Dolan was now being told that the  
920    job that she had the medical form filled out for was not available any more.

921    Also, Ms. Dolan has every legal right to discuss reasonable accommodations with  
922    her medical doctor. A discussion of limiting Ms. Dolan's work day to eight hours  
923    with her disability is not an unreasonable accommodation based on her medical  
924    condition, **under the Rehabilitation Act of 1973.**

925

926    Ms. Dolan was terminated for **illegitimate business reasons, (Dec. p1, line 10,**  
927    **p14, line 39),** however, no material facts were presented, only hearsay from the  
928    managers of the Ybor City, Robyn Flick, Regina (Gigi) Johnson, Angela Lewis  
929    and Jeremy Ryan Wray. There appears to be a double standard for the USPS  
930    management not following Postal Policy or upholding their oath of office as minor

931 infractions are terminated, but convicted felons can keep their employment or  
932 could it be due to Ms. Dolan's union activity. Please reconsider the facts in the  
933 matter.

934 Ms. Dolan was terminated for her Union activities is easily proven by Jeremy Ryan  
935 Wray's statement, on 9/7/2017, at around 05:20, in which he was fully aware of  
936 Ms. Dolan's Union activities and grievance, since day one. Ms.Dolan did not hide  
937 discussions of how management forgot to call for an Enter on Duty date, per  
938 Bonnie. Also, confirmed by the emails from the Union, Union President, Human  
939 Resources to the management at Ybor, which were telling Ms. Dolan to file a  
940 grievance and to speak to the Steward about the grievance, on the first day at Ybor.  
941 The judge failed to interpret the Postal work rules reasonably in light of their  
942 whole context. (Lutheran Heritage, 343 NLRB at 646).

943 Ms. Dolan experienced unfair labor practices at Ybor City in violation of Section 8  
944 (a) (3) and (1). It is kindly asked to reconsider the reversal of the dismissal.

945 **Oral Argument Request**

946 Per NLRB, 102.46(8), Ms. Dolan requests oral arguments.

947 Ms. Dolan certifies that everything that is written is the absolute truth.

948 s/Ann Dolan

949 September 10, 2018

950 Submitted via electronic mail

951

952

953 Please advise if I need to organize, add more legal cases and the transcript  
954 references. I did not have time review. I ran out of time and could not edit  
955 anymore. Thanks. Ann

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